

FOR GM [OLD GM] BANKRUPTCY CASE:

ORIGINAL DOCUMENT
FOR COURT
FILES (THIS CASE)

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

Chapter 11 Case No.

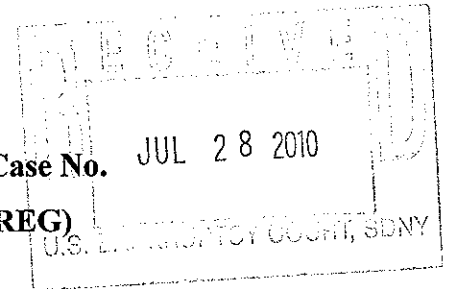
JUL 28 2010

09 - 50026 (REG)

MOTORSLIQUIDATION COMPANY, et al,

f/k/a General Motors Corp., et al

(Jointly Administered)



**SUBJECT: MY OBJECTIONS TO THE PURPORTED RECLASSIFICATION
OF MY CLAIM [#44240] IN THE ABOVE ENTITLED CASE , AMONG
OTHER THINGS, PROCEEDING IN PRO PER IN THIS MATTER
TIMELY [OR BY LEAVE OF COURT] FOR ALL THE REASONS
STATED HEREIN [OR OTHERWISE DOCUMENTED WITH MY
CLAIM [#44240] ; AND FOR OTHER PURPOSES [TIMELY OR BY
LEAVE OF COURT] RELATED HERETO.**

1. That I am MARVIN ECHOLS proceeding in pro per timely [or attempting to be timely]
or [OR BY LEAVE OF COURT] TIMELY filing my OJECTIONS TO YOUR [GM OR OLD GM'S]
PROPOSED RECLASSIFCATION OF MY CLAIM'S [# 44240] PRIORITY TO ALLEGED
UNSECURED CLAIM OF \$30,000.00 ON SEVERAL GROUNDS , INCLUDING,
BUT NOT LIMITED TO THE FOLLOWING, TO WIT:

(a). My GM VEHICLE HAS AT LEAST FIVE (5) RECALLS ON THE REPEATED FAILURE
OF [THE] GM ABS BRAKING SYSTEM TIMELY FILED WITH THE FEDERAL GOVERNMENT
AND CLAIMS [PLEASE SEE CLAIM# 44240 DOCUMENTS AND REFERENCES THEREIN,ETC
DETAILS] AND UNDER THE NHSTA LAWS [THE NATIONAL HIGHWAY SAFETY LAWS
[JUDICIAL NOTICE IS REQUESTED] GM HAS AT LEAST AN OBLIGATION TO REPLACE
THE SAME AT ITS PRESENT VALUE UNDER THOSES LAWS, AND WHICH HAVE ME
[MARVIN ECHOLS] AS THE OWNER OF SAME AN ENTITLEMENT AND PROPERTY
INTEREST RIGHTS IN GM'S PROPERTY [BY EXTENDED WARRANTS OF SAME ETC]
UNDER SEVERAL UNITED STATES SUPREME COURT DECISIONS, INCLUDING BUT
NOT LIMITED TO THOSES TIMELY CITED HEREIN, WHICH MADE CLEAR THAT THE

FOR GM [OLD GM] BANKRUPTCY CASE:

LAWS OF THE UNITED STATES ENFORCEMENT FOR HEALTH AND SAFETY , INTER ALIA,
SHALL SURVIVE THE GM CORP FILING FOR BANKRUPTCY, TO WIT:

(a)(1): MIDLANTIC NAT'L BANK v. NJDEP 474 US 494 (1986);

<http://supreme.justia.com/us/474/494/case.html>;

**(a)(2): BOARD OF REGENTS OF STATE COLLEGES v. ROTH, 408 US 564 (1972); [defines
property interest and entitlements ,etc] ; see also**

(a)(3): CHURCH OF THE HOLY TRINITY v. UNITED STATES 143 US 457(1892);

<http://supreme.justia.com/us/143/457/case.html> ;

**that “All laws should receive a sensible construction. General terms should be so limited in their
application as not to lead to injustice, oppression, or an absurd consequence. It will always
therefore be presumed that the legislature intended exceptions to its language which would avoid
results of this character. The reason of the law in such case should prevail over its letter. [see
page 143 us 461 etc]. The common sense of man approves the judgment mentioned by Puffendorf,
that the Bolognian law which enacted that whoever drew blood in the streets should be punished
with the utmost severity did not extend to the surgeon who opened the vein of a person that fell
down in the street in a fit. The same common sense accepts the ruling, cited by Plowden , that the
statute of 1st Edw ii which enacts that a prisoner who breaks prison shall be guilty of a felony, does
not extend to a prisoner who breaks out when the prison is on fire” see page 143 U.S 461 etc.**

**(a)(4): “ * * * that the efforts of the trustee to marshall and distribute the assets of the estate must
Yield to governmental interest in pubic health and safety. See page 474 US 503 -504;**

SEE MIDLANTIC NAT'L BANK v. NJDEPT, 474 U.S. 494 (1986); ;

<http://supreme.justia.com/us/474/494/case.html> ;

(a)(5): OATES v. NATIONAL BANK 100 U.S. 239(1879) ; see page 100 US 244 etc

<http://supreme.justia.com/us/100/239/case.html> ;

**“ * * * The duty of the court, being satisfied of the intention of the legislature, clearly expressed in
A constitutional enactment, is to give effect to the intention, and not to defeat it be adhering too
Rigidly to the mere letter of the statute, or to technical rules of construction. Wilkinson v. Leland
2 Pet. 627; Sedqwick, Const. and Stat.Constr.196. And we should discard any construction that
Would lead to absurd consequences. United States v. Kirby 7 Wall 482. We ought rather,
adopting the language of Lord Hale, to be “curious and subtle to invent reasons and means” to
carry over the clear intent of the lawmaking power when thus expressed..... ***”**

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“A thing which is within the intention of the makers of a statute is as much within the statute as if it were within the letter and a thing which is within the letter of the statute is not within the statute unless it be within the meaning of the makers.” ** see page 100 U.S. 244, 245, OATES, supra, 100 U.S. 239 (1879);

(a)(5): IN THE U.S. BANKRUPTCY CODE: paragraph 506 defines : DETERMINATION OF SECURED STATUS:

“ * * * * IS A SECURED CLAIM TO THE EXTENT OF A VALUE OF SUCH CREDITOR’S INTEREST IN THE ESTATE’S INTEREST IN SUCH CREDITOR’S INTEREST OR THE AMOUNT SO SUBJECT TO SETOFF AS THE CASE MAY BE, AND IS AN UNSECURED CLAIM TO THE EXTENT THAT THE VALUE OF SUCH CREDITOR’S INTEREST OR THE AMOUNT SO SUBJECT TO SETOFF IS LESS THAN THE AMOUNT OF SUCH ALLOWED CLAIM. “ see paragraph 506 in BANKRUPTCY CODE.

A fortiori, because the [my] full claimed amount of \$30,000.00 [see CLAIM # 44240 HEREOF] Should not be reduced, deducted , or decreased by the DEBTORS GM [OR OLD GM] for all The reasons herein , and /or otherwise in related documented at National Highway and Safety Administration of the federal government, my claim [44240] again on these grounds should not be reclassified or otherwise reduced by changing to an unsecured claim; inter alia.;

(a)(6): THE FEDERAL GOVERNMENTS SOVERIGN IMMUNITY IS ALSO CLAIMED AND PLEADED AGAINST THE DEBTOR’S GM [OR OLD GM’S] CLAIMS OR ANY OF THE DEBTORS OJECTIONS TO SAME UNDER THE CITED AUTHORITIES HEREIN AND OTHERWISE OF RECORDS RELATED HERETO, AND UNDER THE AUTHORITY OF 11 U.S.C. PARAGRAPH 523 ; EXCEPTIONS TO DISCHARGE ; SEE ALSO TITLE 11 USC Paragraph 523(2) in relevant parts states:, to wit:

TITLE 11 U.S.C. paragraph 523(2):

“(2) for money, property, service, or an extension , renewal, or refinancing of credit, to the extent obtained by-----

(B) use of a statement in writing ----- [i.e. GM continued obligation for health and safety under the five recalls for the repeated ABS BRAKING SYSTEM FAILURES AS RELATES TO MY TIMELY CLAIM[#44240] TO SAME] [WORDS IN BRAKETS WERE ADDED HEREAT]

(iii) on which the CREDITOR to whom the DEBTOR is liable for such money, property,

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Services, or credit reasonably relied ; [MORE PARTICULARLY DOCUMENTED IN MY CLAIM[#44240] WITH THE NATIONAL HIGHWAY AND SAFETY ADMINISTRATION OF THE FEDERAL GOVERNMENT] WORDS IN BRACKETS WERE ADDED HEREAT BY ME] IN THIS SECTION];

(a)(7): THAT THE UNITED STATES SUPREME COURT HAVE DEFINED PROPERTY INTEREST RELATED HEREIN, INTER ALIA, AND ENTITLEMENTS, IN THE FOLLOWING PRECEDENT, CASE LAW; AMONG OTHER AUTHORITY(IES), TO WIT:

(a)(7)(i): BOARD OF REGENTS OF THE STATE COLLEGES v. ROTH, 408 U.S. 564, 577 (1972); [DEFINES DUE PROCESS REQUIREMENT FOR [MY] PROPERTY INTEREST ,ETC SEE PAGE 408 576 ALSO, ETC [U.S. SUPT COURT];

<http://supreme.justia.com/us/408/564/case.html> ;

and [please also see]: (a)(7)(ii): ESTATE OF COWART v. NICKLAS DRILLING CO, ET AL, 505 U.S. 469 AT PAGE 477 (1992) [DEFINES ENTITLEMENT, ETC, PROPERTY INTEREST, ETC]; [RELATED HERETO ALSO];

<http://supreme.justia.com/us/505/469/case.html> ;

2. THAT I [MARVIN ECHOLS] BELIEVE THAT I HAVE MADE AT LEAST A PRIMA FACIE CASE AGAINST GM [OR THE OLD GM] IN THIS REPLY TO SHOW TO THE BANKRUPTCY COURT THAT THE RECLASSIFICATION OF MY CLAIM [#44240] SHOULD NOT BE ALLOWED BY THIS COURT ON ANY PURPORTED REASONS THAT GM [OR THE OLD GM] HAVE OR MAY OFFER TO THIS COURT WHICH I BELIEVE IS A PRETEXT OF THE DEBTORS TO NOT REASONABLE SETTLE MY CLAIMS OF RECORD IN DETAILS [#44240] ;SEE SCHAFFER,INFRA, 546 U.S. ____2005;

3. A fortiori, for all the above reasons and otherwise of records this Court is respectfully request To deny the DEBTORS MOTIONS AND CLAIMS RELATED HERETO; AND TO RETAIN THE STATUS OF MY CLAIMS [CLAIM#44240] IN THIS BANKRUPTCY CASE AS [CONSTRUCTIVELY] PRIORITY AND OR [CONSTRUCTIVELY] A SECURED CLAIM UNDER THE BANKRUPTCY CODE PRIORITY AND SECURED CLAIMS SECTIONS: TO WIT: 507 [PRIORITY]; 11 USC PARAGRAPH 502(b) FOR COURT DETERMINATION OF CLAIM AND AMOUNT, ETC; 11 USC 305(C) "THE legislative history to section 305

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States that the "bankruptcy court, based on its experience and discretion, is vested with the Power of decision: S.Rep. No. 95-989 at 36(1978) as reprinted in 1978 U.S.C.C.AN5787,5822.

4. THAT FOR ALL THE ABOVE REASONS ALSO, THE BURDEN OF PROOF SHOULD MOVE THE THE DEBTOR IN THIS MATTERS TO SHOW TO THIS COURT WHY THEIR [GM OR OLD GM'S] PENDING MOTIONS , AMONG OTHER THINGS, SHOULD BE DENIED; [PLEASE SEE:] SCHAFER v. WEAST [DOCKET NO. 04-698]2205; 546 U.S. _____(2005) [IN RELEVANT PARTS ON BURDEN OF PROOFS ETC];

5. A FORTIORI, THE PENDING MOTIONS ON THE ISSUES BEFORE THIS COURT RELATED TO MY CLAIM #44240 BY GM ETC SHOULD BE DENIED IN ALL RESPECTS.

6. THIS IS MY REPLY TO THE DEBTORS PENDING MOTIONS, OR OTHERWISE ,AND IS MADE OF MY [MARVIN ECHOLS] PERSONAL KNOWLEDGE OF THE FACTS AND RELEVANT LAWS AND EQUITY [IES] ; AND THE SAME IS NOT INTERPOSED FOR ANY IMPROPER PURPOSE;

7. WHEREFORE, IT IS PRAYED THAT THE MOTION, AMONG OTHER THINGS, THAT GM [OR OLD GM] IS OBJECTING TO MY VALID CLAIM [#44240] WOULD OR WILL BE DENIED IN ALL RESPECTS IN THE ALLEGED RECLASSIFICATION OF SAME OR OTHERS.

DATED: JULY 26, 2010

xx Marvin Echols

MARVIN ECHOLS,

[FOR CLAIM # 44240]

P. O. BOX 2211

BAY CITY, MICHIGAN 48707

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS 27th DAY OF JULY, 2010

Patti Shockey; MY COMMISSION EXPIRES ON: 3-8-2011
Patti Shockey

NOTARY PUBLIC IN THE BAY COUNTY BUILDING IN BAY CITY, MICHIGAN 48708
ADDRESS: 515 CENTER AVE, IN BAY CITY, MICHIGAN 48708